

1 THE HONORABLE ROBERT J. BRYAN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 MARK ROBBINS,)
10) Plaintiff,) No. C09-5416 RJB
11 v.))
12 UNUM LIFE INSURANCE COMPANY OF) **STIPULATION AND ORDER**
13 AMERICA and WASHINGTON MUTUAL) **GRANTING TRIAL CONTINUANCE**
14 LONG-TERM DISABILITY PLAN,)
15)
16 Defendants.)
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I. STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiff Mark Robbins (“Robbins”) and Defendants Unum Life Insurance Company of America (“Unum”) and the Washington Mutual Long-Term Disability Plan that the one-day bench trial in the above captioned matter, currently set for July 6, 2010, be continued for a minimum of six (6) months.

The instant action arises out of a claim for disability benefits under an employer-sponsored long-term disability insurance policy (“Policy”) governed by the Employee Retirement Income Security Act (“ERISA”). Unum granted Robbins’ claim for disability benefits under the Plan, but Robbins disputes the date on which he satisfied the definition of disability under the Policy and thus, the date on which benefits were granted. This is the sole

STIPULATION AND ORDER GRANTING TRIAL
CONTINUANCE - 1

1 issue currently before the court. Pursuant to CR39.1(c)(3), the parties scheduled mediation of
 2 this matter for May 27, 2010.

3 On May 5, 2010, Unum concluded that Robbins no longer satisfied the definition of
 4 disability under the Policy and denied his claim for future benefits. Robbins intends to appeal
 5 this determination to Unum via ERISA's administrative review process. If the claim
 6 determination is affirmed on appeal, Robbins will seek judicial review of the decision.

7 The above-referenced claims relate to and arise out of the same Policy and thus, it is in
 8 the parties' and the Court's interest that they be resolved simultaneously. The requested six
 9 (6) month continuance should allow Robbins sufficient time to appeal Unum's May 5, 2010
 10 claim determination and, if necessary, to combine the issues for mediation in an effort to
 11 achieve a global settlement of all claims and avoid trial. If the requested continuance is
 12 granted, the parties will coordinate with the Courtroom Deputy to the Honorable Robert J.
 13 Bryan, Dara Kaleel, to identify a mutually agreeable trial date.

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15 DATED this 21st day of May, 2010.

16 SCOTT, KINNEY, FJELSTAD & MACK	17 LANE POWELL PC
18 By: <u>/s/ Daniel Fjelstad</u> Daniel Fjelstad, WSBA No. 18025 19 Attorneys for Plaintiff.	20 By: <u>/s/ Renee Grant Bluechel</u> D. Michael Reilly, WSBA No. 14674 Renee Grant Bluechel, WSBA No. 39500 Attorneys for Defendant .

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II. ORDER

22 THIS MATTER, having come before the Court on the Stipulation of the parties, and
 23 the Court being otherwise fully advised;

24 IT IS HEREBY ORDERED that the trial date in the above captioned matter shall be
 25 continued for not less than six (6) months.
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STIPULATION AND ORDER GRANTING TRIAL CONTINUANCE - 2

1 IT IS FURTHER ORDERED that all pretrial dates will be adjusted to correspond with
2 the new trial date.

3 IT IS FURTHER ORDERED that the parties shall coordinate with the Courtroom
4 Deputy, Dana Kaleel, to identify a mutually agreeable trial date for all parties.

5 DONE IN OPEN COURT this 24th day of May, 2010.

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9 ROBERT J. BRYAN
United States District Judge
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11 Presented by:
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13 LANE POWELL PC
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15 By: /s/ Renee Grant Bluechel
D. Michael Reilly, WSBA No. 14674
16 Renee Grant Bluechel, WSBA No. 39500
Attorneys for Defendants.

17 Copy received; Approved as to form;
Notice of presentation waived:
18

19 SCOTT, KINNEY, FJELSTAD & MACK
20

21 By: /s/ Daniel Fjelstad
Daniel Fjelstad, WSBA No. 18025
22 Attorneys for Plaintiff.
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STIPULATION AND ORDER GRANTING TRIAL
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